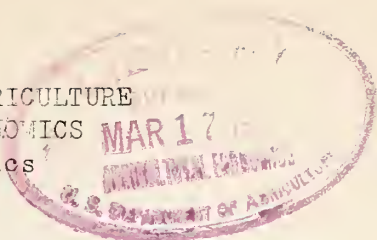


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UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
Division of Land Economics



BULLETIN OF FEDERAL AND STATE LEGISLATION AFFECTING LAND USE

Bulletin 35

February 25 to March 10

(Primarily for the use of the Land Use Planning Personnel of the Bureau of Agricultural Economics and collaborating offices and agencies)

Current Legislative Sessions

	<u>Convened</u>	<u>Adjourned</u>
California (Special Session)	March 7, 1938	
Georgia (Special Session)	November 11, 1937	February 13, 1938
Kansas (Special Session)	February 7, 1938	
Kentucky	January 4, 1938	March 1, 1938
Kentucky (Special Session)	March 2, 1938	
Massachusetts	January 5, 1938	
Mississippi	January 4, 1938	
New Jersey	January 11, 1938	
New York	January 5, 1938	
Ohio (2nd Special Session)	November 29, 1937	March 4, 1938
Rhode Island	January 4, 1938	
South Carolina	January 11, 1938	
Virginia	January 12, 1938	Due to adjourn March 12, 1938

I. FEDERAL LEGISLATION

AGRICULTURE

H. R. 9313. Mr. Clark of Idaho. To Committee on Agriculture, February 2.

To establish a system of Federal benefits enabling the several States to make more adequate provision for the control and eradication of noxious weeds. The sum of \$25,000,000 is authorized to be appropriated for each fiscal year to be prorated among the States complying with rules and regulations promulgated by the Secretary of Agriculture, upon approval by him of State plans for the control and eradication of weeds. Such plans must provide for financial participation by the State and political subdivisions, for efficient and adequate methods of administration, and for adequate reports by the administering agencies. All lands owned by the United States located within the several States shall be subject to the

noxious weed laws and plans for control by the States in which they are located. The Secretary shall make allocations of money necessary for noxious weed control on lands owned by the United States, to such Federal agencies as have jurisdiction. Not exceeding 5 percent of the funds available may be used by the Secretary of Agriculture, through the Extension Service, to establish educational, demonstration and organization programs of noxious weed control within each cooperating State. A Division of Weed Control within the Bureau of Entomology and Plant Quarantine is to be established to administer the program authorized under this Act. There is an authorization of \$50,000 for administrative expenses for the next fiscal year.

H.R. 9439. Mr. Murdock of Arizona. To Committee on Irrigation and Reclamation, February 10.

To authorize the Secretaries of Agriculture and Interior to investigate new and improved methods of increasing yields per acre, and install equipment for such research upon Government-owned lands or leased irrigation lands. Licenses are to be secured upon recently patented devices for the purpose of conducting such experimental work. A joint board from the Departments is to be created to summarize and evaluate the results of the investigations.

FEDERAL AID

S. 3211. Mr. McKellar. To Committee on Post Offices and Post Roads, February 10.

To establish a Highway Planning Commission of five Engineers to be appointed by the President to make a study and investigation with a view to determining the feasibility and the best method of constructing an adequate and speedy route for vehicles between Washington and New York. The Commission shall also investigate and make recommendations with respect to like highways, three running east and west across the United States, and three running north and south across the United States. A report shall be made to Congress by January 15, 1939, with respect to the route between Washington and New York and not later than January 15, 1940, with respect to the other roads, together with the results of the investigations and recommendations. An appropriation of not exceeding \$200,000 is authorized to finance the study.

FLOOD CONTROL

H.R. 8326. Mr. Mills. To Committee on Flood Control, February 3.

To authorize a preliminary examination and survey by the Secretaries of Agriculture and War of lands contiguous to Tensas River, Louisiana, for flood control, run-off and water-flow retardation and soil erosion prevention in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9288. Mr. Smith of Washington. To Committee on Flood Control, February 1.

To authorize a preliminary examination and survey by the Secretaries of Agriculture and War of lands contiguous to Wavveuver, Clark County, Washington, with a view to providing flood protection to lowlands along the Columbia River, flood control, run-off and water-flow retardation and soil erosion prevention in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9289. Mr. Smith of Washington. To Committee on Flood Control, February 1.

To authorize a preliminary examination and survey by the Secretaries of Agriculture and War of lands contiguous to the Williapa River in Pacific County, Washington, for flood control, run-off and water-flow retardation and soil erosion prevention in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9307. Mr. Andresen of Minnesota. To Flood Control Committee, February 2.

To authorize a preliminary examination and survey by the Secretaries of Agriculture and War of lands contiguous to Hay Creek, Goodhue County, Minnesota, for flood control, run-off and water-flow retardation and soil erosion prevention in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9446. Mr. Andresen of Minnesota. To Committee on Flood Control, February 10.

To authorize preliminary surveys and examinations by the Secretaries of Agriculture and War of Wells Creek and Bullard Creek for flood control, run-off and water-flow retardation and soil erosion prevention in accordance with the provisions of the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9465. Mr. Cartwright. To Flood Control Committee, February 14.

To authorize the preliminary surveys and examinations by the Secretaries of Agriculture and War of Kiamichi River in Oklahoma for flood control, run-off and water-flow retardation and soil erosion prevention in accordance with the provisions of the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9382. Mr. Beiter. To Committee on Flood Control, February 8.

To authorize a preliminary examination and survey by the Secretary of War of Ellicott Creek, New York with a view to the control of its floods in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9388. Mr. Mead. To Committee on Flood Control, February 8.

To authorize a preliminary examination and survey by the Secretary of War of Cattaraugus Creek, New York with a view to the control of its floods and in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9390. Mr. Disney. To Flood Control Committee, February 8.

To authorize a preliminary examination and survey by the Secretary of War, of Salt Fork of the Red River in Oklahoma, with a view to the control of its floods in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

H. R. 9414. Mr. Mead. To Committee on Flood Control, February 9.

To authorize a preliminary survey and examination of Smokes Creek, New York, with a view to the control of its floods, in accordance with the Flood Control Act of 1936 (Public 738-74th Congress).

GOVERNMENT ORGANIZATION

S. 3331. Mr. Byrnes. Reported with amendments by Select Committee on Government Organization, March 1.

To reorganize certain agencies of the Government. The President is authorized to transfer, consolidate, coordinate or reorganize the agencies of the Executive Department but not including the Federal Reserve Board, or the General Auditing Office; nor may he abolish an executive department or independent establishment. The Civil Service Commission is to be abolished and a Director of Civil Service substituted in lieu thereof (Sec. 201); and Civil Service Advisory Board is to be created. The General Accounting Office as now organized is to be abolished, and General Auditing Office created in lieu thereof, as an agency of Congress. An Auditor General, appointed by a proposed Joint Congressional Committee on Public Accounts (Sec. 307), is to direct the work of this Office (Sec. 302). The Joint Committee shall submit to Congress its findings and recommendations with respect to the reports of the Auditor General. Title IV of the act creates a Department of Welfare under the direction of a Secretary, with the same powers as other executive Departments and the duty of performing functions relating to public health and sanitation, protection of the consumer, education, relief of unemployment and distress, the assistance of the aged, and relief and vocational rehabilitation of the physically disabled. The Department of the Interior is to be hereafter called the Department of Conservation (Sec. 402). A National Resources Board is to be established as an independent agency composed of five members appointed by the President (Sec. 403). The Board shall investigate and analyze, and periodically review and revise, basic information and materials appropriate to plans or planning policies for the utilization of the resources of the Nation - natural and human - and on the basis thereof to

propose in an advisory capacity such plans and planning policies.

PUBLIC LANDS

S. 3401. Mr. McNary. To Committee on Public Lands, February 7.

To extend from December 31, 1936, to December 31, 1938, the period of time during which final proof may be offered by homestead and desert entrymen.

II. STATE LEGISLATION

AGRICULTURE

Mississippi. H. R. 82. Mr. Ford and Mr. Greenaugh. Approved February 2, 1938.

To authorize Jackson County to purchase from the State, by payment of the accrued taxes, certain lands forfeited to the State for non-payment of taxes, such lands to be used for agricultural experimental purposes, and remain subject to real property taxation.

Mississippi. H. B. 867. Mr. Ladner. To Committee on Judiciary "A", March 2.

To create a State Chemurgic Laboratory Commission for the purpose of acquiring the lands necessary for the construction of the Federal Government for securing the location of the Southern Regional Farm Products Utilization Laboratory in Mississippi (under the Agricultural Adjustment Act of 1938). If the laboratory is located in Mississippi, the Commission is authorized to pay to the United States not exceeding \$500,000 for the construction of suitable buildings and purchasing equipment.

New Jersey. H. B. 302. Mr. DeVoe. To Committee on Appropriations, February 21.

To appropriate \$300,000 to the State Agricultural Experiment Station for the construction of a soil science building.

GOVERNMENT ORGANIZATION

South Carolina. H. B. 1719. Mr. Bradford. To Judiciary Committee, February 11.

To amend the constitution (Art. VII) by adding a new section: "SECTION 15: That the General Assembly shall have the power to establish a system of County Governments for the various counties of the State and shall delegate to such County Governments, when established, the power to legislate upon all local matters pertaining exclusively to such counties, including the levying of taxes for county and school purposes. PROVIDED, That no power shall be delegated to said County Government respecting the issuance of bonds. PROVIDED, FURTHER, That the system of County Governments may vary in form in the different counties so as to be adapted to the needs of the County in which it is established".

LAND USE

Georgia. H. B. 242-X. Mr. Gross. Approved February 16. Governor No. 410.

To authorize the State Highway Board to use funds for the purpose of matching Federal funds made available for building, improving, and constructing rural post roads, farm-to-market roads, or secondary roads.

Kansas. H. B. 69-X and S. B. 59-X. Mr. Geeslin. To Flood Control Committee, February 15.

To amend the law (Gen. Stats. 1935 Sec. 24-106) relative to the construction of drains, to prohibit landowners or proprietors from cultivating their lands or using their lands in any manner so as to discharge with increased force or volume the flow of surface water to the damage of any other landowner or proprietor who is constructing or has constructed terraces or who is engaged in contour farming or other soil or moisture conservation practices.

Mississippi. H. B. 490. Messers. Talbot and Clinton. To Highways Committee, February 7.

To empower the State Highway Commission to acquire private property, by gift or condemnation, for the purpose of obtaining rights-of-way for the construction and reconstruction or improvement of public highways. Procedures are set forth for condemning lands by eminent domain.

Mississippi. S. B. 307. Messers. Burns and Williams. To Committee on Roads, February 8.

To authorize the State Highway Commission to prepare a \$45,000,000 highway program in cooperation with the Federal Bureau of Public Roads. A preliminary planning survey, which shall not cost over \$100,000, is to be conducted for the purpose of making such comprehensive plans.

PLANNING

Mississippi. S. B. 415. Mr. Burgin. To County Affairs Committee, February 24.

To enable the county boards of supervisors to adopt and enforce zoning regulations in the non-urban portions of their respective counties. It is provided that "classification of rural lands for the purpose of land use adjustment and zoning shall be based, among other things, upon adequate investigation and study of soil, drainage, and erosion factors, tax delinquency, existing uses and economic status attained, location, size and condition of farms, extent of farm abandonment, amount of idle land, and quality of buildings; potential recreational values; economic ill effects of improper timber cutting; scattering of population; fire hazards attendant upon remote human habitation, and trends in land-use; school locations, school costs per capita; tax burdens in the form of road maintenance and other necessary costs imposed upon the community by uncontrolled and unregulated settlement on or occupation of sub-marginal rural areas; the location, desirability, and necessity for continuing or improving existing roads or constructing others that may be needed, and the provision of transportation, water, sewage, lighting, and other public requirements." In addition to the usual features of a rural zoning enabling act, provision is

made for an ex officio state rural zoning committee with advisory duties. Further, provision is made that tax reversion cancels the right to a non-conforming use.

Virginia. S. B. 123. Mr. Battle. To Committee on General Laws, February 2.

To create a State Planning Board of twelve members appointed by the Governor, eight to be chosen from Executive heads of the State Administrative Departments, one representative of the Agriculture Department of V.P.I., and three citizens at large. The Board is to collect and correlate information relating to the development of the state and the conservation of its human and natural resources, utilizing whenever possible the facilities of the various state departments and institutions. The Board is directed to prepare a synopsis of the planning work already accomplished, showing also existing conditions with respect to public lands, waters, land utilization, population, transportation, zoning, etc. It shall advise with state departments and institutions to coordinate all development plans, make studies of all plans of land utilization, encourage and aid in organizing local and intra-state regional planning boards, and cooperate with local, state and federal planning agencies.

PUBLIC LANDS AND FORESTS

Mississippi. H. B. 606. Mr. Owen. To Public Lands Committee, February 16.

To establish a new administrative organization for the management and disposition of state lands (mainly, tax reverted lands). The present elective office of land commissioner is abolished and in its stead is created the office of secretary of public lands, appointed for a four-year term by the Governor with the consent of the Senate. The actual selling of state lands is taken out of the hands of the state office and made the duty of the chancery clerks of the several counties, although the state office, with the concurrence of the Governor, is given the right to disallow the sale of any lands the disposition of which would be inimical to the public interest. Sales are to be by annual auction, to the highest bidder, provided a defined minimum price is met.

New York. S. 620. Mr. Nunan. To Committee on Internal Affairs of Towns and Counties, January 31.

To amend the law (subdivision 28a of Sec. 12 of Ch. 16 Laws 1909) providing for State assistance for the reforestation of county lands so as to provide that the county boards may convey to the state any county lands, or interest therein, for administration by the Conservation Commissioner under Section 60a of the Conservation Law.

South Carolina. H. B. 1661. Aiken Delegation, February 9.

To direct the sheriff of Aiken County to convey by fee title all tax forfeited lands of record, now or hereafter, to the Forfeited Land Commission after 90 days written notice to the delinquent tax payer. The lands transferred shall be transferred for 25 years to the County Forest Protective Association which shall enter into cooperative administrative agreement with the State Commissioner of Forestry. An annual county appropriation of \$2500 plus 5¢ for each acre over 50,000 is to be made available to the Commission for administrative purposes.

South Carolina. H. B. 1713. Mr. Abbott. February 1.

To provide for the formation and management of a County Forestry Board in Darlington County, in order to provide for the systematic care and management of forests and wild land areas, and to promote reforestation on denuded, understocked and sub-marginal areas within the county.

REAL PROPERTY

New Jersey. A. B. 58. Mr. Salandra. To Ways and Means Committee, February 24.

To regulate and license abstractors of real estate titles. A Commission is to be created to administer the Act and issue licenses to qualified applicants.

TAXES

New York. S. Res. 17. Mr. Coughlin. To Finance Committee, February 28.

To authorize a joint legislative Committee to investigate and study the advisability of legislating uniform tax laws in the state with respect to tax liens sales, and submit a report with recommendations to the legislature by February 1, 1939.

South Carolina. H. B. 1632. Pickens Delegation. Approved February 18, Act 754, Laws 1938.

To levy a tax of 1½ mills upon all the taxable property in Pickens County for the fiscal year beginning January 1, 1938, the proceeds of which are to be expended for aid to high schools and for vocational purposes. The tax shall be levied and collected as provided for other taxes.

Virginia. H. R. 166. Mr. Hand. To Committee on Finance, January 28.

To authorize the boards of supervisors and other governing bodies of the counties to release upon certain conditions the liability for interest, penalties and accrued costs on unpaid county and district real estate taxes for the year 1937 and all previous years. Such release shall be made upon condition that all taxes due for the year 1937 and all previous years shall be paid on or before December 5, 1938.

WATER

New Jersey. H. B. 273. Mr. Freund. To Judiciary Committee, February 21.

To create a Water Authority consisting of five members appointed by the Governor for the conservation, protection, control, development and regulation of the use of the water resources of the state. The Authority is to abate and prevent pollution, construct works necessary to furnish water supply and control floods, acquire lands, formulate plans to obtain additional water supply outside the state, dispose of sewage and wastes, and cooperate with adjoining state in controlling floods and pollution. The Authority shall assume the duties and powers formerly vested in the District Water Supply Commission, The Water Policy Commission, Bergen County Water Commission and the Passaic Valley Water Commission.

H. A. HOCKLEY

